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**From:** OGCLibrary

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**Subject:** Air & Radiation Law News for May 3, 2017



## **Air & Radiation Law News** **for May 3, 2017**

### **Bloomberg BNA Daily Environment Report™**

#### **Leading the News**

##### *Animal Waste*

##### **As Factory Farms Spread, So Do Toxic Tort Cases**

Large factory farms increasingly occupy rural landscapes once dotted with small family farms, and their concentrated waste has produced a wave of toxic tort litigation.

#### **News**

##### *Air Pollution*

##### **DTE Energy Loses Latest Challenge on EPA Air Permitting**

DTE Energy Co. lost yet another bid to challenge the EPA's determination that the utility needed to obtain a permit when it upgraded a coal-fired power plant in Michigan.

##### *Climate Change*

### Senate Will Roll Back Methane Rule Next Week, Chairman Vows

The chairman of the Senate Environment and Public Works Committee is confident he has the votes to roll back Interior Department methane limits and will bring the measure to the floor next week.

### *Climate Change*

### UN Climate Talks Leader to Trump: Don't 'Abandon the Field of Play'

The incoming president of the 2017 United Nations climate talks implored U.S. President Donald Trump to keep the world's second-largest greenhouse gas emitter as a participant in the global Paris Agreement to fight climate change.

### *Coal Mining*

### Canada Province Aims \$51-a-Ton Carbon Tax on U.S. Coal Exports

British Columbia's premier said she's ready to impose a C\$70 (\$51) carbon tax on every metric ton of U.S. thermal coal passing through the western Canadian province's ports if she's re-elected next week.

### *Congress*

### Methane Repeal Effort May Hit Snag in Senate Over Ethanol

A top oil industry priority on Capitol Hill may fall victim to an unrelated dispute over ethanol.

### *Energy*

### Brexit May Have Unintended Consequences for U.K. Power Supply

The U.K.'s decision to leave the European Union's atomic regulator after Brexit will put the country's nuclear industry at risk and may threaten power supplies, a cross-party group of lawmakers said. < br/>

### *Energy*

### Carbon Price May Fix Energy Market Distortions, Economists Say

Economists tell federal energy regulators that the way to address growing distortions in the federal wholesale energy and capacity markets caused by state subsidies for nuclear plants is to build in a carbon price.

### *Energy*

### In U.S. Coal Country, Signing Bonuses and Pay Raises Are Back

Before dawn, a coal miner named Cameron Justice stopped at a gas station in Mingo County, West Virginia, grabbing two cans of Monster Energy drink before heading into the pits.

### *Energy*

### Lack of Fresh Personnel Burdens Drilling Review: Murkowski

The White House is hindering a review of offshore drilling rights by slow-walking Interior Department nominations, Sen. Lisa Murkowski (R-Alaska), chairman of the panel processing those nominations, told reporters May 2.

### *Judges*

### Will Gorsuch's 'Western Perspective' Matter at Supreme Court?

Newly minted U.S. Supreme Court Justice Neil M. Gorsuch brings something unique to the current high court bench—a "Western perspective."

### *Mergers and Acquisitions*

### Noble Energy Sells All Appalachia Gas Assets for \$1.2 Billion

Noble Energy Corp. sold all of its natural gas production assets in northern West Virginia and southern Pennsylvania for \$1.23 billion.

### *Natural Gas*

### Cut, Abandoned Gas Line Caused Fatal House Fire in Colorado

A cut, abandoned gas flow line that had not been disconnected from a nearby wellhead and capped was

the cause of an explosion and fire at a home in Firestone, Colo., that killed two men and critically injured a woman, officials said.

#### *Oil & Gas*

##### **Conservation Groups Seek Voice on Seismic Surveys in Atlantic**

Conservation groups are seeking to intervene in Interior Department deliberations over allowing seismic surveying in the Atlantic Ocean.

#### *Renewable Energy*

##### **California Democrats Aim for 100 Percent Clean Energy**

California utilities would need to fully rely on solar, wind, geothermal or other renewable resources by the end of 2045 under a new bill proposed May 2 by Democratic lawmakers.

#### *Renewable Energy*

##### **China Sells More Solar Panels to Emerging Nations Amid Disputes**

China's solar-panel producers are shipping more of their products to emerging markets amid an increase in trade disputes over exports with Europe and the U.S.

#### *Renewable Energy*

##### **Germany May Boost Clean-Power Use After Election, Official Says**

Germany needs to raise its growth target for clean power after September's federal election amid growing concern over the nation's lagging progress in cutting carbon dioxide emissions, according to a senior government official.

#### *Renewable Energy*

##### **Kyocera Expects to Ship 1.1GW of Solar Panels for Second Year**

Kyocera Corp. expects to ship 1.1 gigawatts of solar panels for a second straight fiscal year in the 12 months ending March 31, Hideo Tanimoto, president of the Japanese electronics and solar-panel maker, said.

#### *Renewable Energy*

##### **U.S. Wind Power Booms with Best First Quarter Since 2009**

U.S. wind energy developers installed about 2,000 megawatts of capacity in the first three months of 2017, marking the industry's best annual start since 2009.

## **BNA Insights**

#### *Enforcement*

##### **Practitioner Insights: Suspension and Debarment Authority**

In this article, Nadira Clarke and Anne M. Carpenter of Katten Muchin Rosenman LLP provide an overview of federal suspension and debarment authority. The government's exercise of authority in this area can have a significant impact on companies that hold federal contracts or have customers with federal contracts.

## **Hill Watch**

##### **Hill Watch: Climate Regulation**

The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second

column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

Hill Watch: Coal Mining

Hill Watch: Energy

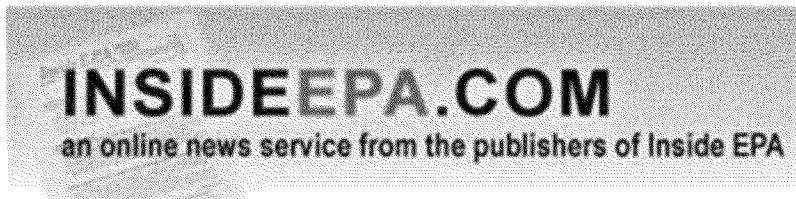
Hill Watch: Science Policy  
Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM <http://news.bna.com/frmn/>.

TODAY'S STATE REGISTERS

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

Inside EPA's **Clean Air Report**, 05/04/2017

<https://insideepa.com/newsletters/clean-air-report>

**Latest News**

**EPA Officials Defend Agency's Duty To Follow Science On Climate Change**

Current and former senior EPA officials are defending the agency's prerogative to follow the best available science on climate change from what they say are politically motivated attacks by the Trump administration and other critics of greenhouse gas (GHG) rules, arguing that addressing climate change is one of EPA's fundamental tasks.

**FY17 Spending Deal Warns EPA Against Overhaul Without Congress' Input**

The pending fiscal year 2017 spending deal that lawmakers are slated to approve this week warns EPA that Congress controls the purse strings related to any major reorganization, workforce overhaul or downsizing at the agency, putting Administrator Scott Pruitt and the Trump administration on notice not to radically overhaul EPA in FY18 absent consultation.

## Daily Feed

### **Pruitt sees 'relief' coming after ending EPA's 'war on coal'**

Pruitt's advocacy might earn kudos among conservatives, but his statements at times diverge from analysts' findings.

### **6th Circuit rejects utility's call to rehear suit testing NSR enforcement**

The appellate court's ruling preserves EPA's power to enforce the Clean Air Act new source review program, although it is unclear whether the Trump administration will pursue such cases.

### **Former EPA enforcement official joins Sidley**

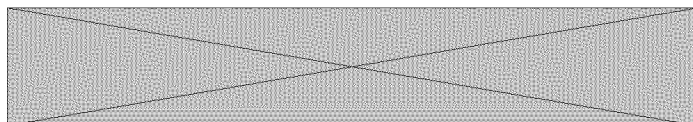
Richard Alonso joined the environmental practice at Sidley Austin following the departure of Roger Martella, the practice's former co-chair.

### **Ewire: A daily news roundup**

Top House GOP lawmakers suggest they will push controversial Clean Air Act reforms even though one of those lawmakers has previously indicated he would not do so given Democratic opposition.

### **Magistrate recommends against DOJ appeal in youth climate suit**

The federal magistrate judge says the request for an interlocutory appeal to the 9th Circuit “would put the cart before the horse” because the suit raises major constitutional questions.

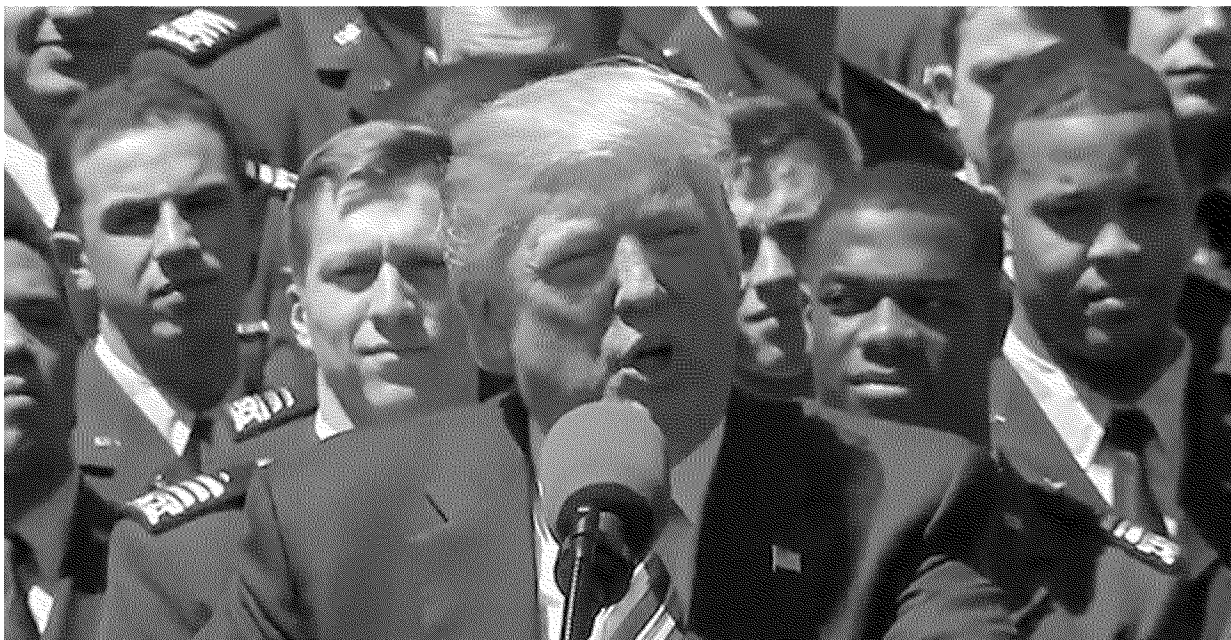


## WHITE HOUSE

### **Trump tweet: 'Our country needs a good shutdown'**

George Cahlink, E&E News reporter

Published: Tuesday, May 2, 2017



President Trump spoke from the White House Rose Garden earlier today. Photo courtesy of C-SPAN.

As the White House sought to spin this week's bipartisan spending deal as a negotiating success, President Trump today created a political firestorm by suggesting he might force a future government shutdown.

"Our country needs a good 'shutdown' in September to fix mess!" said Trump this morning on Twitter in what amounted to an unprecedented call by a sitting president to force agencies to close to get his priorities enacted.

Trump seemed to express some frustration with the latest deal, saying Republicans were forced to negotiate an omnibus with Democrats because of Senate filibuster rules.

The president said he would back changing those rules and, if that does not work, suggested a government closing may come this fall when fiscal 2018 spending legislation is due.

Speaking from the Rose Garden, Trump steered clear of shutdown talk and said the GOP had not done "any touting like Democrats" about the deal.



Trump appears stung by some Democrats declaring victory in the spending negotiations and the media painting the White House as a loser that didn't get what it wanted.

The president said the agreement, which the House may vote on tomorrow, includes the largest increase for border security money in a decade.

"The Democrats didn't tell you that. They forgot," he said.

It would also raise Pentagon funds without similar increases for domestic programs, "breaking the so-called parity rule that was breaking our budget and degrading our military," said Trump.

It was the president's earlier hard-line stance on Twitter that generated bipartisan criticism from Capitol Hill, where lawmakers see the \$1 trillion spending plan to fund government for the rest of fiscal 2017 as a victory.

"I don't ever want to see a government shutdown again, because I think it's a bad thing for the country and nation," said House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) this morning when asked about Trump's remarks.

He added that he believes lawmakers are doing a "pretty good job" of wrapping up fiscal 2017 work so they can focus on fiscal 2018.

Senate Majority Whip John Cornyn (R-Texas) also pushed back against Trump, saying it may be "frustrating" to reach compromises but calling a shutdown "an abdication of our responsibility."

## 'Governing by tweet'

Democrats quickly seized on Trump's morning tweets as the latest sign that he's failing at governing the nation.



The Senate's top Democratic appropriator, Patrick Leahy (D-Vt.), called the comments "shameful." He noted that the last shutdown, in 2013, cost the government \$1.5 billion for each of the 16 days it was closed.

"Governing by tweet and manufacturing a crisis before our work even begins is no way to lead," said Leahy.

Senate Minority Leader Chuck Schumer (D-N.Y.), who responded to the president from the floor, called it "deeply disappointing" that Trump was backing away from the omnibus because he did not get 100 percent of what he wanted.

"Bipartisanship is best summed up by the Rolling Stones: 'You can't always get what you want,'" said Schumer, poking at Trump by citing a song the president likes to play at his rallies.

House Minority Whip Steny Hoyer (D-Md.) said he viewed the tweet as "a continuation of irresponsible rhetoric" and "dysfunctional behavior" from the president. Hoyer said he believes both parties will work to avoid future shutdowns at all costs.

## **'President negotiated a victory'**

Meanwhile, Office of Management and Budget Director Mick Mulvaney in a call with reporters this morning sought to sidestep any talk of closing agencies in future talks, but also did not completely take it off the table.

"Right now, I am not talking about September," he said.

For the second time in less than 24 hours, Mulvaney held a call with reporters to argue that the White House deserves more credit for the budget deal.

"The American people won, and the president negotiated a victory for them," said Mulvaney.

According to him, the White House successfully prevented energy subsidies from making it into the final spending plan. Pressed for more details, Mulvaney said he was referring to an eleventh-hour push by Democrats to have expired clean-energy tax breaks included.

He also suggested that Trump, along with Sen. Joe Manchin (D-W.Va.), was the driving force for a deal to bail out an insolvent coals miners' health insurance plan in the omnibus.

Mulvaney accused Democrats of "overreacting" and said they are out to make Trump and his administration appear like they "did know not what they were doing, but he beat them."

But Heritage Action for America, the lobbying arm of the Heritage Foundation, said it believes Democrats got the better of Republicans in an omnibus that "fails the test of fiscal responsibility and does not advance important conservative policies." It urged lawmakers to oppose the package this week.

The conservative group cited frustration with a funding increase for the Energy Department's Office of Science and noted that none of the more than a dozen programs Trump sought to eliminate was defunded by Congress.

*Reporters Kellie Lunney and Manuel Quiñones contributed.*

## EPA

### McCarthy slams Trump's 'unprecedented' webpage overhaul

Hannah Hess, E&E News reporter

Published: Tuesday, May 2, 2017



Former U.S. EPA Administrator Gina McCarthy appeared on "The Rachel Maddow Show" yesterday to blast the Trump administration's removal of a climate change section from the agency's website. Screen shot courtesy of MSNBC.

Former U.S. EPA Administrator Gina McCarthy criticized the Trump administration yesterday for removing "years" of climate change data from the agency's public webpage.

"This is a wholesale wiping out of historical record of what this agency has been doing with public dollars for decades, not just the past eight years," McCarthy said, appearing on MSNBC's "The Rachel Maddow Show."

"This is unprecedented in terms of the scope of information that's been taken down. Information that's public information. People have a right to be able to access it, and no president has ever done this before," McCarthy said.

On Friday, the eve of President Trump's 100th day in office, the administration removed most climate change information from EPA's website, saying in a news release that language on the website is "undergoing changes that reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt."

The agency has made archived information available to the public on a snapshot page, showing content from the final day of the Obama administration.

"If former Administrator McCarthy had visited the website, she would have seen that we made it very easy for the public to view the properly archived content about which she is concerned," EPA spokesman J.P. Freire said in an email to E&E News.

"America's rich history of combining environmental stewardship and economic prosperity informs our focus on reducing job-killing regulatory burdens," Freire wrote. "It's a history worth being proud of."

The first [page](#) to be updated reflected Trump's March 28 executive order that called for a review of EPA's Clean Power Plan. EPA said language associated with the Clean Power Plan, written by the last administration, "is out of date."

Content related to climate and regulation is also being reviewed, according to the agency.

As late as this morning, the Spanish-language version of the webpage remained intact with climate change information. However, EPA wiped the site to reflect the review sometime before noon today.

McCarthy speculated that the timing of the data removal had to do with the Peoples Climate March, a demonstration that brought more than 150,000 people to the White House grounds to protest Trump's policies ([E&E Daily](#), May 1).

Activists and EPA staff have been especially concerned about potential changes at the agency since Trump's first day in office.

Reports that nonregulatory information could be scrubbed from EPA's website have motivated hackers to capture and code federal data sets to remote servers ([Greenwire](#), Feb. 20).

## DOE

### Small business grants on hold as Perry conducts review

[Christa Marshall](#), E&E News reporter

Published: Tuesday, May 2, 2017

The Department of Energy is delaying announcements of small business research grants until Secretary Rick Perry is briefed on "all research projects," according to an email obtained by E&E News.

The brief letter from DOE, sent this week, affects the Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STTR) Program, which supports cooperative research between small businesses and research institutions. Originally, small business owners were expected to hear yesterday whether they had won research grants under the programs after a formal application process.

"New DOE administration officials requested that SBIR/STTR selections be held until Secretary Perry has an opportunity to be briefed on research projects that will take place under his administration. Award notifications will therefore be delayed until that review has taken place," said the email, which was first reported by Greentech Media.

"At this time our office has not been provided with a timeframe for completion of review," the email from the DOE SBIR/STTR programs office added. "We will provide periodic updates as more information becomes available."

DOE did not respond to a request for comment in time for publication. It's unclear whether the notice involves a temporary delay.

The Small Business Administration oversees the SBIR and STTR programs jointly with federal agencies.

Currently, 11 federal agencies including DOE participate in the SBIR program, which aims to commercialize promising products or services from companies with fewer than 500 employees. Agencies allocate 3.2 percent of their R&D budget to it and decide their own R&D topics before evaluating proposals from small businesses.

Under federal law, a decision on applications should come no later than 90 days after a solicitation closes, according to one source. The 90-day mark will hit next week.

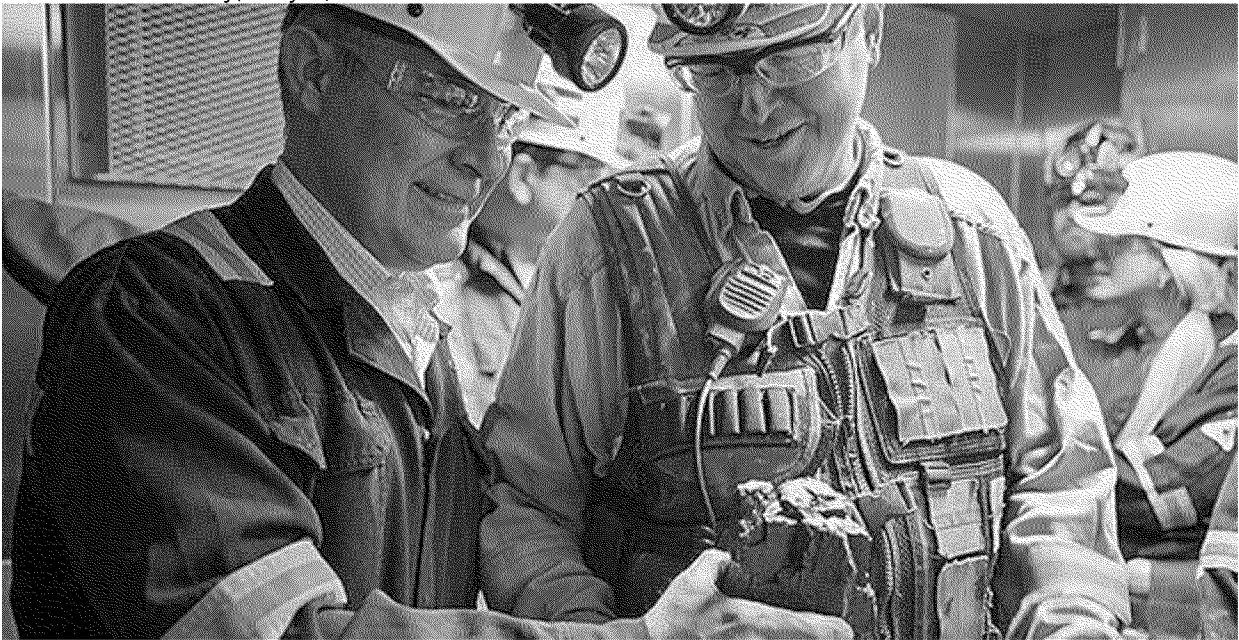
Earlier this month, DOE reportedly withheld appropriated funding for the Advanced Research Projects Agency-Energy (ARPA-E), after the Trump administration targeted the agency for elimination (*E&E Daily*, April 27). That withheld funding affected at least 10 projects that had been announced but not finalized contracts. The omnibus package released this week calls for funding increases at ARPA-E and in other DOE research programs.

## EPA

### Pruitt touts end of 'war on coal'

Kevin Bogardus, E&E News reporter

Published: Tuesday, May 2, 2017



U.S. EPA Administrator Scott Pruitt visited a Pennsylvania coal mine last month. Yesterday, he penned an op-ed in *The Washington Times* touting the agency's end to the "war on coal." Photo courtesy of @EPAScottPruitt via Twitter.

U.S. EPA Administrator Scott Pruitt has declared an end to the "war on coal."

In an op-ed published today in *The Washington Times*, the EPA chief said he has acted quickly in response to President Trump's executive order targeting Obama-era climate change actions, signing four new rules, including a review of the Clean Power Plan.

"Relief — and prosperity — is on the way," Pruitt said in the op-ed. "Thankfully, President Trump has made clear: The regulatory assault on American workers is over. We should not have to choose between supporting jobs and supporting the environment."

Pruitt — who as Oklahoma's attorney general sued EPA several times, including over the Clean Power Plan — said the "war on coal" stemmed from the Obama administration's regulations that targeted reducing carbon emissions, often executed by EPA but also by other agencies.

The EPA administrator said the Clean Power Plan failed to protect the environment, given that it was subject to a Supreme Court stay. In addition, it was too costly and was designed mostly to provide global leadership, though other countries would not be held to the same limits, according to Pruitt.

"EPA should work within the framework that Congress has established. And we should provide regulatory certainty and write rules that make sense for the states and the businesses they affect," Pruitt said. "The 'war on coal' is over. Now EPA can focus on its mission and deliver real results."

Whether the Clean Power Plan was within the bounds of the law is likely never to be decided. Last week, a federal court paused litigation over the regulation, making it unlikely that judges will issue a ruling on its lawfulness as EPA reviews the program (*Greenwire*, April 28).

In an earnings conference call today, executives at CNX Coal Resources LP, which has ties to Consol Energy Inc., spoke about Pruitt's recent mine visit and a working relationship with the administrator.

## AIR POLLUTION

### Wyo., power producers seek halt of regional haze litigation

Sean Reilly, E&E News reporter

Published: Tuesday, May 2, 2017

The state of Wyoming and two power producers are seeking to freeze proceedings in litigation over regional haze regulations following the Trump administration's recent endorsement of a partial settlement reached late last year.

That tentative deal would require Basin Electric Power Cooperative to install new pollution controls at Laramie River Station, a 1,710-megawatt coal-fired plant in southeastern Wyoming (*Greenwire*, Jan. 5). After the administration signaled last week that it would stick with the agreement, Basin Electric, Wyoming and PacifiCorp yesterday asked the 10th U.S. Circuit Court of Appeals to put the consolidated litigation in abeyance pending final action by U.S. EPA.

While the proposed settlement directly affects only the Laramie River plant, those issues "are significantly intertwined with, and overlap, similar issues concerning PacifiCorp's facilities," attorneys wrote in the motion. A pause is needed, they wrote, "because of the interrelatedness of the issues in these consolidated appeals and because of the inefficiencies and harms that may result from resolving a portion of the appeals while the settlement of other, closely-related portions remain pending."

The agency's regional haze program, dating in its current form to 1999, seeks to restore unclouded views to 156 national parks and wilderness areas by 2064. The Wyoming litigation, dating back to 2014, is one in a string of legal fights over the scope of the pollution reduction measures needed to meet the program's requirements.

Oregon-based PacifiCorp, for example, contends that EPA illegally overrode the state's judgment of the controls needed to cut emissions of nitrogen oxides at its 335 MW Wyodak plant in northeast Wyoming. The Powder River Basin Resource Council and other conservation groups say EPA should have imposed new restrictions on the state's oil and gas industry.

Those groups also object to the proposed settlement affecting Laramie River Station, saying in comments filed early this year that they are concerned it "will not achieve the level of visibility improvement" required by the haze reduction program. They also voiced worries about further delays in resolving the rest of the litigation. Their response to the abeyance request is due by May 11, according to a court order, also filed yesterday.

Basin Electric, based in North Dakota, shares ownership of Laramie River Station with five regional partners under the umbrella of the Missouri Basin Power Project.

## PEOPLE

### Former EPA enforcement official joins law firm

Amanda Reilly, E&E News reporter

Published: Tuesday, May 2, 2017

Sidley Austin LLP has snagged a former U.S. EPA enforcement official for its environmental practice, the firm announced yesterday.

Richard Alonso, who served as chief of stationary enforcement at EPA's Office of Enforcement and Compliance Assurance during the George W. Bush administration, joined the firm as a partner in its Washington office.



Richard Alonso. Photo courtesy of Bracewell LLP.

Alonso most recently was a partner at law firm Bracewell LLP.

"Rich's firsthand experience in both private practice and the public sector will make him a valuable asset for our clients looking for advice in addressing their complex environmental challenges at both the federal

and state levels," David Buente, co-leader of Sidley's environmental practice, said in a statement.

At EPA, Alonso was responsible for enforcing the Clean Air Act at stationary sources, including power plants and manufacturing facilities. He also helped develop the Bush administration's air pollution policies.

He previously served at EPA's Water Enforcement Division. After leaving the government, Alonso spent almost a decade as a partner at Bracewell, where he represented industry clients.

Alonso earned his bachelor's degree from Florida International University and a master's degree in engineering and his law degree from Syracuse University.

## PARIS AGREEMENT

### Think tank sees Trump failing to meet emissions pledge

Hannah Hess, E&E News reporter

Published: Tuesday, May 2, 2017

President Trump's executive actions on energy during his first 100 days put the United States on course to fall far short of its carbon-cutting goals under the Paris Agreement, according to a new analysis.

Using federal projections, Resources for the Future fellow Marc Hafstead found greenhouse gas emissions in 2025 are expected to be 10.2 to 12.6 percent below 2005 levels, failing to hit the Obama administration's pledge of a 26 to 28 percent reduction.

Even if the White House followed through with Obama-era plans for future climate regulations, the United States would fall shy of its target for 2025, Hafstead notes. Hafstead, who advocates a carbon tax, says federal rulemaking plans would have put the United States on track to be 22.6 to 24.9 percent below 2005 levels.

Hafstead relies on data the State Department submitted to the United Nations about emissions projections under current law and estimates of reductions due to future regulations — fuel efficiency standards, appliance efficiency programs, methane standards and U.S. EPA's efforts to reduce hydrofluorocarbons (HFCs), the potent chemicals found in refrigeration and air conditioning — to come up with a "best case" scenario for emissions under Obama policies.

For "best case" under Trump, Hafstead's analysis assumes Republicans are successful in keeping additional regulations at bay and wiping the Clean Power Plan from the books. Hafstead relies on projections by the U.S. Energy Information Administration. He includes emissions reductions from EPA's program geared toward phasing out HFCs, noting it would help U.S. appliance manufacturers export.

"What is the worst-case scenario for emissions trends under Trump?" he writes. "Unfortunately, we simply do not have enough information to make such predictions."

Policies aimed at opening up new federal lands to oil and natural gas producers could lead to increased energy consumption through lower prices, he notes. Hafstead also states the tax reform promised by the White House and Republicans could increase economic growth and lead to an increase in greenhouse gas emissions.

Optimists see public support for climate action, on display at last weekend's climate march, as potentially opening the door for the White House to put forward a new GOP strategy for cutting emissions to meet



pledges made in Paris ([Greenwire](#), April 24).

Alternatively, allies of the fossil fuel industry have been clamoring for Trump to revise the U.S. commitment down, lowering emissions reduction goals ([E&E Daily](#), April 26).

Hafstead concludes drama surrounding the Trump administration's decision on whether to follow through with a campaign pledge to pull out of the Paris Agreement is "largely symbolic."

RFF has modeled how various carbon tax proposals would meet the Paris target, an [analysis](#) conservatives have used to bolster their arguments for the policy ([Greenwire](#), Feb. 8).

## WIND

### Strong demand fuels 1Q surge in U.S. generation capacity

[Daniel Cusick](#), E&E News reporter

Published: Tuesday, May 2, 2017



The U.S. wind energy sector surged in the first months of the Trump administration. Photo by Tlposcharsky, courtesy of Flickr.

The U.S. wind energy sector added 2,000 megawatts of generation capacity in the first months of the Trump administration, a first-quarter surge matched only by the beginning of the Obama administration, when a massive federal stimulus gave the industry a multibillion-dollar boost.

According to data released this morning by the American Wind Energy Association, the early 2017 surge has more to do with wind energy's steeply falling costs and a sustained push by utilities and private-sector businesses to add more emissions-free generation to their electricity portfolios.

AWEA noted that the first quarter saw a record 1,781 MW of new long-term contracts signed for wind energy, both for utilities and for Fortune 500 companies like the Home Depot Inc. and Intuit Inc.



The quarter also saw the startup of North Carolina's first commercial wind project, as Amazon Wind Farm US East began delivering electrons from 104 turbines in Perquimans and Pasquotank counties near Elizabeth City. The wind power is being sold to Amazon Web Services (AWS), the cloud computing division of Internet giant Amazon.com, to power its data server complex in Northern Virginia.

As of this month, the nation's cumulative wind energy capacity is 84.1 gigawatts, with an additional 21 GW under construction or in advanced development stages, according to AWEA. A gigawatt is equal to 1,000 MW.

Tom Kiernan, AWEA's CEO, noted that the early 2017 figures demonstrate wind power's competitiveness within U.S. energy markets and its significant role in creating new jobs. "We switched on more megawatts in the first quarter than in the first three quarters of last year combined," he said in a statement.

But for all its recent success, wind energy faces some vexing challenges. They include growing political blowback in states like Oklahoma and North Dakota that have witnessed an explosion of wind development over the last several years.

Those states, along with some lawmakers in Congress, argue that a wind energy boom, particularly in the Midwest and Great Plains, is destabilizing energy markets by oversupplying the grid with electricity that is being sold at artificially low prices.

Critics also argue that wind power's federal production tax credit (PTC), which provides a 2.3-cent-per-kilowatt-hour subsidy for the first 10 years of a wind farm's operating life, has outlived its usefulness and encouraged wind energy developers to overbuild capacity.

Wind energy proponents counter that consumer demand for emissions-free power is driving the marketplace much more than federal subsidies. Moreover, they say, the PTC is on a glide path to be phased out by the end of 2019, although subsidies will continue to flow to wind farm owners through 2029 under current tax rules.

Responding to renewable energy's critics, Energy Secretary Rick Perry last month ordered a 60-day study to answer some of those questions, including whether a nationwide surge in renewables has constrained traditional energy resources such as coal and nuclear power, or compromised grid reliability.

In a letter to Perry, the heads of the nation's major renewable energy industry associations, including AWEA, argued that "the growth of wind and solar power neither accounts for the challenges now facing coal-fired and nuclear power plants in the nation's electricity markets nor represents any threat to reliable electric power."

AWEA has also stressed the sector's job creation success. More than 100,000 U.S. jobs are now tied to the wind power sector, many of them in manufacturing plants that produce turbines, blades and towers. Officials also point to Labor Department statistics showing that wind turbine technician is the fastest-growing occupation in the country, with median wages of more than \$50,000 per year.

"Each new modern wind turbine supports 44 years of full-time employment over its life span, so the turbines we installed in just these three months represent nearly 40,000 job years for American workers," Kiernan said.

## PEOPLE

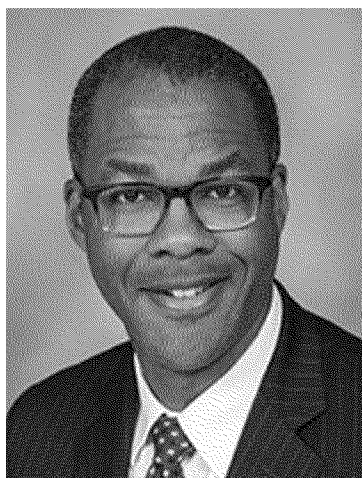
### Obama DOE fossil energy chief joins Rice

Christa Marshall, E&E News reporter

Published: Tuesday, May 2, 2017

Christopher Smith, a former Department of Energy assistant secretary for fossil energy during the Obama administration, is joining Rice University.

Smith will be an advisory board fellow in energy studies at the Baker Institute for Public Policy, focusing on carbon markets, the impact of energy transitions on local communities, and the use of resources in developing nations and sub-Saharan Africa, according to a statement.



Christopher Smith. Photo courtesy of Rice University.

Smith's "interest in addressing energy poverty, fostering resource development to create a stable and sustainable platform for long-term economic growth, and his desire to understand how shifts in energy-use patterns can displace jobs in the near term and affect local communities are all products of his experiences in the private sector and at DOE," said Kenneth Medlock, senior director at the Baker Institute's Center for Energy Studies.

As assistant secretary from 2014 to 2017, Smith pushed for development of carbon capture projects and oversaw the National Energy Technology Laboratory and the Strategic Petroleum Reserve.

At a congressional hearing last year, he told lawmakers that DOE's fossil energy office was critical in fighting climate change because of its focus on lowering coal and natural gas emissions ([E&E Daily](#), May 12).

Smith served as a principal deputy assistant secretary for fossil energy and as deputy assistant secretary for oil and natural gas after joining DOE in 2009.

He also was the designated federal officer for the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, which President Obama established to determine the cause of the disaster and recommend safety reforms.

Before his federal career, Smith worked for Chevron Corp. and Texaco for more than a decade on natural gas trading and other issues.

## ELECTRICITY

### Total solar eclipse could tax grid

Published: Tuesday, May 2, 2017

A total solar eclipse coming in August is forcing utilities to make contingency plans for an electric grid that increasingly relies on solar energy.

The giant shadow set to block out the sun Aug. 21 will boost California's net electricity demand by 6,000 megawatts, regulators said last week. The last total solar eclipse was in 1979.

Grid operators already handle variance in supply every day, but the eclipse will cause a rapid decline and then rebound in solar power. The California Independent System Operator estimated the grid will lose 70 MW a minute and then regain 90 MW a minute.

CAISO manager Amber Motley said the grid operator will reserve electricity from sources including power plants and hydro.

The North American grid regulatory body said the eclipse is unlikely to disrupt the continent's bulk power system but did urge operators, particularly in California and North Carolina, to be prepared.

"We don't call it a reliability issue, but it's an impact to the system operations and something operators need to do some planning to prepare for," said John Moura, director of reliability assessment and system analysis at the North American Electric Reliability Corp. (Gregory Meyer, *Financial Times*, May 2). — **SM**

## ELECTRIC VEHICLES

### Okla. Senate OKs bill to charge EV owners \$100 a year

Camille von Kaenel, E&E News reporter

Published: Tuesday, May 2, 2017

Oklahoma is poised to charge a \$100-a-year fee to owners of electric vehicles despite opposition from automakers.

The Oklahoma Senate passed legislation Friday that would mandate the fee. The measure will now head to negotiations with the state House, which previously passed a version of the bill.

H.B. 1449, sponsored by state Rep. Dustin Roberts (R), would impose a "motor fuels tax fee" of \$100 on every EV registered starting in January 2018 and \$30 on every plug-in hybrid vehicle.

Gov. Mary Fallin (R) has endorsed the idea of an EV fee as a way to raise money for road upgrades and maintenance. The bill is at the forefront of a growing number of state policy fights over EV incentives that pair environmentalists and automakers on one side and oil interests on the others.

EVs make up around 0.03 percent of car sales in Oklahoma, compared to 1 percent of all U.S. car sales. The Oklahoma Tax Commission estimated the \$100 fee would bring in an additional \$420,000 for road maintenance in the next fiscal year, and \$1 million the year after that.

The Association of Global Automakers opposed the bill, saying it would chill sales of clean cars. The trade group outlined its reasons for opposing the bill in a April 28 [letter](#) to state Senate President Pro Tempore Mike Schulz (R).

"This fee would discourage customer purchases of electric-drive vehicles at a time when sales of these vehicles represent only a miniscule portion, 0.03%, of total vehicles sold in the state," wrote David Garriepy, the group's manager of state government affairs. "Given that the market for electric vehicles is still developing, now is not the time to create a disincentive, such as creating a new fee."

The group's membership includes Honda Motor Co. Ltd., Hyundai Motor Co., Kia Motor Corp., Nissan Motor Co. Ltd., Toyota Motor Corp. and Subaru Corp. The Alliance of Automobile Manufacturers also opposed the legislation, according to a spokesman.

Adriane Jaynes, the Clean Cities coordinator in Tulsa and energy programs manager for the Indian Nations Council of Governments, called the bill a "first step" for the state to adapt to a coming "transportation paradigm shift."

"It certainly won't help [sales], but the momentum for electric vehicles will continue," Jaynes said. "I wish we could have done something like other states and passed it recognizing their increasing role in transportation, but delaying that implementation until sales are up, but the state is hurting for revenue."

Ten states already charge additional registration fees for EVs, ranging from \$50 to \$200 ([Climatewire](#), March 3).

More states are set to join that club. California will start charging EV drivers \$100 a year and Indiana \$150 a year. And 15 other states are weighing bills to impose additional fees on certain hybrid or plug-in EVs, according to the National Conference of State Legislatures.

## COLORADO

### Bill to ease coal plant closures passes House

Published: Tuesday, May 2, 2017

The Colorado House passed a bill yesterday that would ease the decommissioning process for old coal plants as well as help rural communities hurt by the closures.

But the bill is expected to struggle in the Republican-controlled state Senate.

The bill would allow the state to refinance regulatory obligations to Xcel Energy Inc. and Black Hills Energy, Colorado's two largest utilities, at a lower rate via new bonds, making it easier to shutter irrelevant plants.

What makes the bill unique is the stipulation that 15 percent of financial savings must go to help local communities and out-of-work former plant employees.

Old coal plants generate power at \$50 per megawatt-hour. New wind turbines produce power at under \$30 per MWh.

The bill is not technology-specific, but mining interests oppose it (Aldo Svaldi, [Denver Post](#), May 1). — NB

## WISCONSIN

## **Assembly set to ease well use oversight**

Published: Tuesday, May 2, 2017

The Wisconsin Legislature will vote today on a bill to ease regulations on high-capacity wells.

The bill is backed by farmers and by Republicans, who control the Assembly. Environmentalists say the bill would protect irresponsible water users and drain lakes and aquifers.

The bill would exempt well repairs, construction and ownership transfers from Department of Natural Resources oversight. The measure would require the agency to study local waterways to assess the risk of depletion ([AP/Albany Times Union](#), May 2). — **NB**

## **UNITED KINGDOM**

### **Brexit causes territories to neglect environment — officials**

Published: Tuesday, May 2, 2017

Distracted by Brexit, British territories are neglecting wildlife and the environment, according to environmental ministers.

These officials, located in some of the United Kingdom's 19 overseas territories and Crown dependencies, say the central government has cut funds and oversight in the wake of the vote to leave the European Union.

Many of the territories, like Bermuda and Gibraltar, are islands vulnerable to climate change, but the Foreign Office almost halved funding on global warming. Many territory officials report administrative confusion with various agencies passing off oversight responsibilities.

"There is confusion in policy. We don't know the best person to approach, and we end up going round in circles between different ministries," said Claude Hogan, from Montserrat.

And many received significant funding from the E.U.

The overseas territories hold 94 percent of Britain's species found nowhere else in the world.

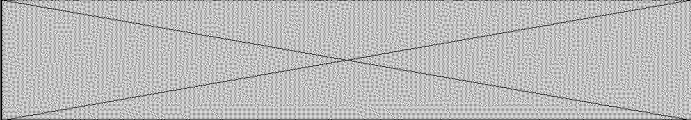

Endangered species include a giant frog called the Montserrat mountain chicken, the spiky yellow woodlouse — existing only on land the size of a tennis court on St. Helena — and the Grand Cayman blue iguana (Roger Harrabin, [BBC News](#), May 2). — **NB**

## **LNG**


### **Gas group's Riedl talks supply glut's effect on exports, future of industry under Trump**

OnPoint: Tuesday, May 2, 2017

As the market dynamics and politics surrounding liquefied natural gas exports shift, how is the industry adjusting to a changing outlook? During today's OnPoint, Charles Riedl, executive director of the Center for Liquefied Natural Gas, explains how recent moves by the Trump Department of Energy will position the U.S. LNG industry in the global competition for market share.

	
AN E&E NEWS PUBLICATION	
<b>CLIMATEWIRE — Wed., May 3, 2017</b>	
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<p><b>TOP STORIES</b></p> <p><b>FEDERAL POLICY</b></p> <p><b>STATES</b></p> <p><b>ENERGY CHOICES</b></p> <p><b>INTERNATIONAL</b></p>	<p><b>1. <u>PARIS AGREEMENT:</u></b>  <b><u>Fears grow that 'cancel' is back on the table</u></b>  Winds have shifted in the White House against staying in the Paris Agreement, marking an abrupt course change since last week, when climate advocates felt confident that President Trump would preserve U.S. membership with weaker targets.</p> <p><b>2. <u>FLOODS:</u></b>  <b><u>Mayors worry warming means more pain on the Mississippi</u></b></p> <p><b>3. <u>FINANCE:</u></b>  <b><u>Clayton, a 'blank slate' on climate, approved to lead SEC</u></b></p> <p><b>4. <u>PARIS AGREEMENT:</u></b>  <b><u>Nordic ministers throw their weight behind accord</u></b></p> <p><b>5. <u>PARIS AGREEMENT:</u></b>  <b><u>Bloomberg: I hope Trump listens to Ivanka on climate</u></b></p> <p><b>6. <u>PARIS AGREEMENT:</u></b>  <b><u>Germany to urge Trump to stay in deal</u></b></p> <p><b>7. <u>CALIFORNIA:</u></b>  <b><u>Bill aims to go 100% renewable a lot faster than planned</u></b></p> <p><b>8. <u>REGULATION:</u></b>  <b><u>FERC hears an earful about grid tensions in eastern RTOs</u></b></p> <p><b>9. <u>TRANSPORTATION:</u></b>  <b><u>'Revolutions' could eliminate auto emissions — report</u></b></p> <p><b>10. <u>NUCLEAR:</u></b>  <b><u>Climate change remains industry's strongest driver — report</u></b></p> <p><b>11. <u>CHINA:</u></b>  <b><u>Influence grows as U.S. pulls back from global agreements</u></b></p> <p><b>12. <u>DROUGHT:</u></b>  <b><u>Ethiopia is in crisis, but aid is not flowing</u></b></p> <p><b>13. <u>EMISSIONS:</u></b>  <b><u>Can Canada meet its Paris Agreement goals?</u></b></p>

AN E&amp;E NEWS PUBLICATION

**ENERGYWIRE — Wed., May 3, 2017** [READ FULL EDITION](#)**1.SAFETY:****Abandoned gas line caused Colo. home explosion**

An abandoned pipeline that was cut off underground and left uncapped and connected to a natural gas well fueled an explosion that destroyed a Colorado home and killed two people last month, investigators said yesterday.

## TOP STORIES

**2.SOLAR:****Market looks for its space in crowded N.Y.****3.ELECTRICITY:****Market evolution remains work in progress for Mexico**

## ELECTRICITY

**4.REGULATION:****FERC hears an earful about grid tensions in eastern RTOs****5.INDIANA:****Clock ticks for solar after governor signs net-metering bill****6.OFFSHORE WIND:****Block Island Wind Farm powers more of R.I.****7.BUSINESS:****TVA's income drops by a third amid milder weather**

## OIL AND GAS

**8.TECHNOLOGY:****Offshore moves toward a more automated future****9.OFFSHORE DRILLING:****A call for 'pan-industry approach' to safety****10.NATURAL GAS:****Noble Energy announces \$1.2B sale of Marcellus Shale assets****11.BUSINESS:****Prolific dealmaker to focus on production**

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